

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

AARON GLAESER,)
)
Plaintiff,)
)
v.) **CASE NO. 3-05-1043**
) **JUDGE WISEMAN/JUDGE GRIFFIN**
) **JURY DEMAND**
CHEATHAM COUNTY SHERIFF'S)
DEPARTMENT, MUNICIPAL)
GOVERNMENT OF CHEATHAM)
COUNTY & JASON LITTLEJOHN)
)
Defendants.)

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Come the Defendants, Cheatham County Sheriff's Department, Municipal Government of Cheatham County and Jason Littlejohn (hereinafter "Cheatham County" and "Deputy Littlejohn"), by and through counsel and pursuant to Rule 56 of the Federal Rules of Civil Procedure, and moves this Honorable Court for Summary Judgment. As grounds for their Motion, the Defendants would show to the Court that the doctrine of qualified immunity applies such that these Defendants are immune from suit upon the Plaintiff's allegations of violations of his Civil Rights.

Moreover, the doctrine set forth in Heck v. Humphreys and the doctrine of collateral estoppel applies to preclude the Plaintiff from proceeding in his civil action against the Defendants. Where the Plaintiff has pled guilty to the underlying crimes of reckless endangerment—deadly weapon involved and evading arrest (risk of death), he is precluded from proceeding in his claim against the Defendants for Fourth Amendment excessive force where his

underlying convictions would necessarily be challenged or questioned. Furthermore, the Plaintiff is now precluded by operation of the doctrine of collateral estoppel from challenging his prior criminal convictions in the instant matter in his attempt to prove that these Defendants used excessive force.

In support of their Motion for Summary Judgment, Cheatham County and Deputy Littlejohn rely on the entire record associated with this matter, as well as the following documentation filed contemporaneously herewith:

1. The Memorandum of Law in Support of Defendants' Motion for Summary Judgment;
2. The Statement of Undisputed, Material Facts;
3. A copy of Jason Littlejohn's Answers to Plaintiff's Interrogatories, attached hereto as Exhibit "A"
4. Excerpts from the Deposition of Aaron Glaeser, attached hereto as Exhibit "B"
5. Certified Copies of Judgment(s) of the Cheatham County Criminal/Circuit Court, Case No. 14544, attached hereto as Collective Exhibit "C"

Accordingly, Cheatham County and Deputy Littlejohn respectfully request that the Court grant its Motion for Summary Judgment and enter an Order dismissing each and every Defendant from this matter, with prejudice.

Respectfully submitted,

ORTALE, KELLEY, HERBERT & CRAWFORD

/s/ W. Carl Spining

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CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing has been served via ECF, on this 29th day of December 2006, on the following:

Adam W. Parrish
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/s/ W. Carl Spining

W. Carl Spining